

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL P. KEARNS, in his official capacity as Clerk of the County of Erie, New York,

Plaintiff,

v.

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, et al.,

Defendants.



**CERTIFICATION PURSUANT
TO FED R. CIV. P. 5.1 AND
28 U.S.C. § 2403**

1:19-CV-00902 EAW

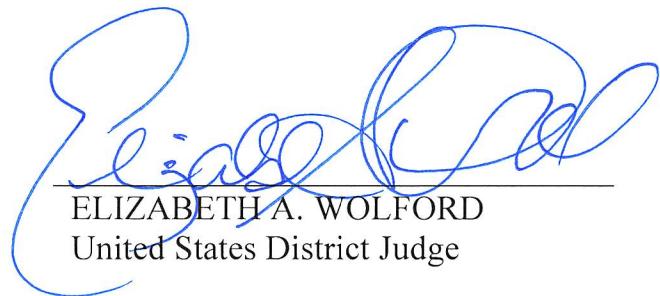
TO THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA:

TAKE NOTICE that in the above-captioned action, Defendants filed a memorandum of law in support of their motion to dismiss on August 16, 2019, which asserts that 8 U.S.C. §§ 1373 and 1644 violate the Tenth Amendment to the United States Constitution.

Accordingly, as required by Federal Rule of Civil Procedure 5.1 and 28 U.S.C. § 2403, this Court hereby certifies that the constitutionality of the above-referenced federal statute has been placed at issue, and notifies you that you may, therefore, intervene in this action. If you desire to intervene in this action, you should file your motion to intervene, pursuant to Rule 5.1, within 60 days from the date of this Certification or from the date that Defendants file a notice pursuant to Rule 5.1, whichever is sooner, or by such later date as may be set by the Court. The Clerk of Court is instructed to mail this Certification via

certified mail to William Barr, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW Washington, D.C. 20530-0001, and further instructed to send a copy of this Certification to Mary Pat Fleming, U.S. Attorney's Office, Federal Centre, 138 Delaware Avenue, Buffalo, NY 14202.

SO ORDERED.



The image shows a handwritten signature in blue ink, appearing to read "Elizabeth A. Wolford". Below the signature, there is a horizontal line. Underneath the line, the name "ELIZABETH A. WOLFORD" is printed in a standard font, followed by "United States District Judge" in a smaller font.

ELIZABETH A. WOLFORD
United States District Judge

Dated: August 28, 2019
Rochester, New York